

Notice of Allowability

Application No.

10/700,337

Examiner

Quang N. Nguyen

Applicant(s)

JONES ET AL.

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on 02/24/2006.
2. ☒ The allowed claim(s) is/are 1,5-10,12-16,18,20 and 21.
3. ☒ The drawings filed on 10 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment maybe filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with the Applicant's Representative, Mr. Jeffrey G. Toler (Reg. No. 38,342) on March 13th, 2006.

3. Pursuant to MPEP 606.01, the title has been changed to read:

-- A COMMUNICATIONS SYSTEM FOR IDENTIFYING REMOTE DIGITAL
SUBSCRIBER LINE (DSL) CUSTOMER PREMISES EQUIPMENT (CPE)
DEVICES DURING A DISCOVERY PHASE --

4. Please change claim 1 to:

A system comprising:

a broadband access server responsive to a remote digital subscriber line (DSL) customer premises equipment (CPE) device; and

a communication path to provide for data communications with the broadband access server;

wherein the broadband access server receives a data packet during a discovery phase that includes a device identifier comprising a plurality of data fields corresponding to the DSL CPE device;

wherein the plurality of data fields include a device firmware field, a chipset field, and a chipset firmware field; and

wherein the plurality of data fields identify a particular type of DSL CPE device.

5. Please change claim 9 to:

The system of claim 8, wherein the discovery packet is an initiation packet communicated from the DSL CPE **device** to the broadband access server during a discovery stage process.

6. Please change claim 10 to:

A communications system comprising:

a host server having access to a remote digital subscriber line (DSL) customer premises equipment (CPE) device, the host server receiving a device identifier associated with the DSL CPE device; and

a customer service terminal for use in connection with a communications network coupled to the host server, the customer service terminal receiving the device identifier and displaying the device identifier to a user of the customer service terminal;

wherein the host server receiving the device identifier comprising a plurality of data fields during a discovery phase;

wherein the plurality of data fields include a device firmware identifier, a chipset identifier, and a chipset firmware identifier; and

wherein the plurality of data fields identify a particular type of DSL CPE device.

7. Please change claim 18 to:

A system comprising:

a broadband access server responsive to a remote digital subscriber line (DSL) customer premises equipment (CPE) device, the broadband access server adapted to

receive a data packet during a discovery phase that includes an identifier comprising a device identifier and a device hardware identifier corresponding to the DSL CPE device;

wherein the device hardware identifier comprising a plurality of data fields that include a device firmware identifier, a chipset identifier, and a chipset firmware identifier; and

wherein the plurality of data fields identify a particular type of DSL CPE device.

8. Please change claim 21 to:

The system of claim ~~24~~ 20, further comprising: an operations system coupled to the database, the operations system adapted to retrieve the device hardware identifier from the database and to determine suitability of the DSL CPE device for use with available updated technology.

9. Please **cancel** claims 3-4, 11, 17 and 19.

10. Claims 1, 5-10, 12-16, 18 and 20-21 are allowed.

11. The following is an examiner's statement of reasons for allowance:

In interpreting the claims, in light of the specification and the applicant's Appeal Brief filed on 02/24/2006, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

Owens (US 2003/0053443 A1), teaches a system and method for provisioning broadband service in a PPPoE network, wherein a PPPoE session is established using the domain name, by firstly authenticating the Broadband modem for the PPPoE session and then configuring the DSL modem. During a discovery phase, the DSL modem broadcasts a PPPoE Active Discovery Initiation (PADI) packet with the DESTINATION_ADDR set to the broadcast address and the Broadband Access Server (BRAS) receives the PADI and replies by transmitting a PPPoE Active Discovery Offer (PADO) packet back to the unicast address of the DSL modem (**Owens, Abstract, paragraphs [0083-0084]**).

Iwakata (US 2002/0095299 A1), teaches a customer information control system and method for controlling personal information and product identification information of the electronic equipment belonging to a customer, in which the electronic equipment automatically reads out the product identification information (*such as the product model number, manufacturer's serial number, and the like*) and sends the product identification information to a host machine as the customer management information to register in a customer information database (**Iwakata, Abstract, paragraphs [0073-0075]**).

However, the prior art of record fails to teach or suggest individually or in combination that a communications system comprising: a (host) broadband access server responsive to a remote digital subscriber line (DSL) customer premises equipment (CPE) device; and a communication path to provide for data communications with the broadband access server; wherein the broadband access server receives a data packet during a discovery phase that includes a device identifier comprising a plurality of data fields corresponding to the DSL CPE device; wherein the plurality of data fields include a device firmware field, a chipset field, and a chipset firmware field; and wherein the plurality of data fields identify a particular type of DSL CPE device as set forth in independent claims 1, 10 and 18. Claims 1, 5-10, 12-16, 18 and 20-21 are allowed because of the combination of other limitations and the limitation listed above.

The examiner finds the Applicant's arguments on pages 5-8 of the Remarks of the Appeal Brief filed on 02/24/2006 to be persuasive. The applicant argued in substance that the combination of prior art of records fail to disclose the features of the invention including receives a data packet during a discovery phase that includes a device identifier comprising a plurality of data fields; wherein the plurality of data fields include a device firmware field, a chipset field, and a chipset firmware field; and wherein the plurality of data fields identify a particular type of DSL CPE device, as claimed in the invention to uniquely identify a device identity and equipment types including device firmware, chipset types, and chipset codes or firmwares for

particular DSL CPE deployments retrieved from a variety of units deployed within a distributed network in order to allow operations personnel and technical staff evaluate performance of the CPE devices and different equipment types as well as chipsets and firmware deployed within the network to provide enhanced technical performance and capabilities (see Remarks, pages 5-8 and see Specification, paragraphs [0044] and [0047]).

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Examiner's Amendment."

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISOR/EXAMINER